

**REMARKS**

Claims 1, 3, 10-42, 44, and 51-82 are pending in the application. Applicant respectfully requests allowance of the claims and consideration of the following remarks. In the event that the claims are not allowed, applicant respectfully requests an Advisory Action.

**Rejections Based Upon 35 U.S.C. § 103(a)**

Claims 1, 3, 10-11, 13-42, 44, 51-52, and 54-82 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,324,184 (Hou) in view of U.S. Patent No. 5,638,371 (Raychaudhuri et al). Claims 12 and 53 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hou in view of Raychaudhuri and further in view of U.S. Patent No. 6,226,680 (Boucher). Applicant respectfully traverses the rejections for at least the following reasons.

Claim 1 specifically requires, in part, determining if a second communication service has a higher priority than a first communication service. A MAC is then dynamically configured based upon the priorities accorded each service.

The Examiner comments in the Response to Arguments section of the recent Final Office Action (page 2) that Hou discloses determining priority between a first service and a second service. In particular, the Examiner argues that because communications provided to a first user and a second user are inherently a first service and a second service, then prioritizing between users is by definition prioritizing based on these services. However, such a conclusion is incorrect. For example, Hou allows for a situation wherein one service could receive priority over another service at one point in time, and the situation reversed at another point in time simply because of the identity of the users using the respective services at any particular time. Such a situation would not be possible if, in fact, Hou disclosed prioritizing based on services. Instead, Hou merely discloses prioritizing based on users, not prioritizing based on services as required by claim 1.

In particular, Hou disclose assigning slots in a MAC based upon a user hierarchy, not a service hierarchy. For example, Hou discloses that *the assigned bandwidth for the subscriber units may be determined according to a subscriber unit hierarchy* (Hou, col.

2, lines 44-51). Hou further discloses that bandwidth *can optionally be allocated according to a user hierarchy* (Hou, col. 11, lines 11-12).

A discussion of Raychaudhuri and Boucher is obviated in view of the discussion above distinguishing Hou. Thus, Hou, Raychaudhuri, and Boucher, separately and in combination, fail to teach or suggest all the limitations of claim 1.

Independent claim 42 contains limitations similar to claim 1 and is therefore allowable over the prior art. The dependent claims contain limitations that render them separately allowable over the prior art. However, for the sake of brevity and because the dependent claims depend from allowable independent claims, applicant forgoes such a discussion.

**CONCLUSION**

The claims in their present form are allowable over the art of record. Applicant therefore solicits their allowance. Any fees in addition to those submitted may be charged to deposit account 21-0765.

Date: 10-17-05



Stephen S. Roche, Reg. No. 52,176

Setter Ollila

Tel: (303) 938-9999

Fax: (303) 938-9995

**Correspondence address:**

**CUSTOMER NO. 28004**

Attn: Harley R. Ball

6391 Sprint Parkway

Mailstop: KSOPHT0101-Z2100

Overland Park, KS 66251-2100